

REMARKS

Claims 1-3, and 5 are pending in the present application. By the present amendment, claim 1 has been amended to correct several informalities. Also by the present amendment, claim 5, has been canceled.

Objection to the Drawings

In the Final Office Action of November 26, 2004, the Examiner objected to the drawings because they failed to show an element of the claims, namely the automated control device mentioned in claim 1. By the present amendment, Applicants have deleted this element from the present claims.

Rejection under 35 U.S.C. §112, Second paragraph

The Examiner rejected claims 1-3, and 5 under 35 U.S.C. §112, Second paragraph. Specifically, claim 1 was rejected because the structural relationship between "a heating means" and other elements in the claim was unclear. The Examiner also rejected claim 1 because in claim 12, there is no antecedent basis for "the deviation" or "the desired set point".

By the present amendment, claim 1 has been amended to provide a clear relationship between "a heating means" and the other elements in claim 1. The portions of claim 1 which recited "the deviation" and "the desired set point" have both been deleted.

Withdrawal of this rejection is respectfully requested.

The Present Invention

The present application relates to a press installation constructed to regulate the temperature of the press, and specifically the temperature of the press platens contained inside the press. (Paragraph 0015). The temperature of these platens (which compress the wood-additive mixtures into pressed boards or other composite products) is regulated by controlling the temperature of the oil supplied to the press platens. By changing the blend of cooler and warmer oil that is supplied to the press, the temperature of the platens can be regulated to within a relatively fine degree of tolerance. (Id.)

Rejection under 35 U.S.C. §103

The Examiner has rejected claims 1-4 under 35 U.S.C. §103 as being obvious in view of the combination of McClure, Jr., U.S. Patent No. 4,365,547 ("McClure"), Eguchi, Japanese Patent Publication No. 40-2070406A ("Eguchi"), Falls et al., U.S. Patent No. 3,785,279 ("Falls"). The Examiner asserts that Falls discloses an apparatus for the production of wood boards, which includes a plurality of platens, means for regulating the temperature of the platens, means for circulating a heating fluid like superheated steam through the plans, as well as means for detecting the temperature of the heating fluid, and means for responding to the detected temperature, while McClure teaches the use of a heat exchanger. (See Office Action of April 22, 2004 pages 3-4). The Examiner concedes that neither Falls nor McClure disclose a means for responding to a temperature, but applies Eguchi, in view of Eguchi being part of platen pressing/molding art, which purportedly discloses a press with means for regulating the temperature of a platen. (Office Action of November 26, 2004, pages 4-5). Applicants disagree with the Examiner's analysis for the reasons that follow.

In order to establish a prima facie case of obviousness, the Examiner must make all of the following showings: (1) there must be some suggestion or motivation to modify or combine the reference(s) as suggested by the Examiner (it is not sufficient to say that the cited reference(s) can be modified or combined without a teaching in the prior art to suggest the desirability of the combination or modification); (2) there must also be a reasonable expectation of success for the modification or combination; and (3) the reference(s), taken either alone or in combination, must teach or suggest all elements of the present claims. (M.P.E.P. §2143).

McClure discloses a press apparatus for controlling the time-temperature relationship during the pressing and manufacture of laminate assemblies. (Col. 2, lines 7-12). Laminates made using this apparatus have improved quality and uniformity because the press cycle temperatures are more consistent and uniform. (Col. 2, lines 9-16). In this apparatus, a desired temperature cycle is entered into an electronic set point programmer, and this programmer then, in cooperation with an electronic process controller, delivers instructions to the input valve of the heat transfer medium supply source as well as the by-

pass valve to maintain the heat transfer medium at the desired press cycle step temperature while the medium circulates through the press elements. (Col. 5, line 57 - Col. 6, line 17).

Eguchi fairly discloses an apparatus for regulating the temperature of a molding die in order to stabilize the dimension of a molded product and increase the molding yield. The apparatus has a pair of heat medium channels through which flows a heat medium, which is sensed by an external temperature sensor as it exits the heat medium channels. The flow control valves which regulate the flow of the heat medium into the channels are then adjusted so as to maintain the temperature of one cavity within a set value of a reference cavity.

Fails fairly discloses a heated press for the manufacture of plywood that provides for momentarily and automatically raising the temperature of the platens of the press during the earliest stages of the panel pressing. (Col. 1, lines 1 - 11). Specifically, the heated press in Fails has a series of hollow heated platens upon which plywood panels are cured. (Col. 2, lines 53-62).

Applicants maintain that the present claims are not obvious in view of the combination of McClure, Eguchi, and Fails for the reasons that follow.

First, the combination of references applied by the Examiner fails to disclose all of the elements of the present claims. Specifically, claim 3 states that the heating fluid used in the apparatus for producing wood composite boards is selected from heated natural gas, supersaturated steam, and heated oil. None of the references disclose the use of heated natural gas, supersaturated steam, and heated oil as a heating fluid.

Second, a person of ordinary skill would not have a reasonable expectation of success for combining these three references in the manner suggested by the Examiner. All of these references disclose devices that function in quite disparate ways, particularly in the way they measure the temperature of the heating fluid, and how they make corrections to keep it within acceptable parameters. For example, Eguchi makes a comparison between the inflow heat medium and outflow heat medium and adjusts the flow control valves in order to adjust the heating medium in the direction that conforms the heating medium temperature to that of the cavity. By contrast, Fails takes a measurement only of the steam temperature at bulb 18 and communicates that to a temperature control instrument 17,

which regulates the opening of a flow control valve to supply further steam for heating the platens. (Col. 3, lines 7 - 33).

There are yet additional problems in combining these references, so that a person of ordinary skill would not have a reasonable expectation of success for combining them. For example with respect to combining McClure and Eguchi, both references place the temperature regulating means in exactly opposite locations: in Eguchi the temperature of the heat medium is taken, and the temperature adjusted, *after* it exits the die and the heat medium. By contrast, in McClure, the heat medium temperature is detected *before* the heat medium is directed into the press. (Col. 4, lines 7-30). Thus, in order to carry out the Examiner's proposed modification (i.e., to modify McClure so that the McClure apparatus detects the heat medium temperature as it exits the apparatus) it would be necessary to move McClure's temperature detecting and regulating means from its current position, to a new position *downstream* of the McClure apparatus. This would appear to render the McClure device inoperable, as it appears that a necessary aspect of the McClure device is that the blow-off valve 8 be located on the opposite side of the laminating press of the steam valve 12. Thus, in order to combine McClure with Eguchi, it would be necessary for a person of ordinary skill in the art to make several critically important modifications of the devices taught in the references. Considering that there is no teaching in either McClure or Eguchi providing any guidance as to making such modifications, one of ordinary skill in the art would not have a reasonable expectation that McClure could be successfully combined with Eguchi as suggested by the Examiner.

Finally, Applicants assert that a *prima facie* case of obviousness has not been established because the Eguchi reference is not analogous prior art to the presently claimed subject matter and thus, applying Eguchi to teach certain elements of the present claims is inappropriate.

In order to rely on a prior art reference under 35 U.S.C. §103, the Examiner has the affirmative duty to determine whether the reference is analogous prior art:

The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." (M.P.E.P. §2141.01(a)) (citations omitted).

As used above, "reasonably pertinent" means:

A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. (Id.) (citations omitted).

In the present case, Eguchi discloses a process for regulating the temperature of a die in order to stabilize the dimensions of a molding product and increase molding yield. By contrast, the present invention is directed to an apparatus or press for the production of wood boards. There is no relationship between these two technologies, and thus, the Eguchi disclosure is well outside the technical field of the Applicant's invention.

Therefore, based on the above remarks, the Examiner has failed to establish that claims 1-3, and 5 are obvious in view of Eguchi, McClure and Fails. Reconsideration and withdrawal of the rejections of claims 1-3, and 5 are respectfully requested.

CONCLUSION

Reconsideration and withdrawal of the objection and rejection of the claims in view of the remarks provided herein and allowance of the claims being prosecuted are respectfully requested.

Respectfully submitted,

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David M. Goodrich
David M. Goodrich
Reg. No. 42,592

J. M. Huber Corporation
333 Thornall Street
Edison, NJ 08837-2220
Telephone: (732) 603-3674
Facsimile: (732) 603-8730